

DEPARTMENT OF PESTICIDE REGULATION

James W. Wells, Director

1020 N Street, Room 200
Sacramento, California 95814-5624

WHS 95-4



February 14, 1995

TO: COUNTY AGRICULTURAL COMMISSIONERS

SUBJECT: Adopted Amendments to Pesticide Regulations Affecting
Sanitizers and Disinfectants

The Department of Pesticide Regulation has filed with the Office of Administrative Law (OAL), regulation changes that would exempt sanitizer and disinfectant pesticides from the Storage, Transportation, and Disposal regulations. These regulations would also recognize corresponding sections of the Cal/OSHA regulations in Title 8, California Code of Regulations (CCR) as meeting the requirements of worker safety regulations.

The OAL has 30 days to review the regulations and, if approved, file them with the Secretary of State. They will become effective 30 days after filing with the Secretary of State. It is expected that these changes will be effective about April 1, 1995.

These regulation changes were jointly developed by the antimicrobial pesticide work group (which included county agricultural commissioner representation), the Department, and the Legislature as a regulatory solution in lieu of SB 1502. It was determined that this avenue was more appropriate and would provide a more comprehensive solution to the problem.

To implement these changes, the Department will be providing you with the referenced sections of Title 8 CCR.

If you encounter an employer that is not in compliance with the applicable sections of Title 8 during your enforcement activities, you must cite the appropriate section of the regulation in Title 3, CCR. This is necessary because we do not have the authority to cite for Cal/OSHA violations directly. Please refer to Enforcement letters ENF 94-016 and ENF 94-041 for further clarifications concerning antimicrobial investigations.



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The Enforcement Branch will be providing future support and direction on this issue. If you have any questions about this action, please call Roy Rutz, Program Supervisor, Worker Health and Safety Branch, at (916) 445-4279.

Sincerely,

A handwritten signature in blue ink, reading "John M. Donahue". The signature is fluid and cursive, with the first name "John" being more prominent.

John M. Donahue, Chief
Worker Health and Safety Branch
(916) 445-4222

Attachment

cc: Chuck Andrews, Pesticide Enforcement Branch

**DEPARTMENT OF PESTICIDE REGULATION
PROPOSED CHANGES IN THE REGULATIONS
PERTAINING TO
SANITIZERS AND DISINFECTANTS
Amend sections 6686 and 6720**

**Titles 3 and 26 California Code of Regulations
Division 6. Pesticides and Pest Control Operations**

Adopt subsection (e) in section 6686 to read:

6686. Exemptions.

(e) This article shall not apply to sanitizers, disinfectants, or medical sterilants.

NOTE: Authority: sections 12976 and 12981 of the Food and Agricultural Code. Reference: sections 11501, 12981, and 14102 of the Food and Agricultural Code

Repeal and adopt subsection (c) in section 6720 to read:

6720. Safety of Employed Persons.

~~(e) When only antimicrobial agents or pool and spa chemicals, are handled, the employer is exempt from the requirements of Sections 6730 (Working Alone), 6732 (Change Area), 6736 (Work Clothing), and 6746 (Closed Systems).~~

(c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of this subchapter, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations. Where the word "None" appears in the Title 8 column, the employer does not have to comply with the corresponding regulation specified in the Title 3 column.

<u>Title 3, CCR</u>	<u>Title 8, CCR</u>
<u>6700</u>	<u>3200 and 3202</u>
<u>6702</u>	<u>3200 and 3203</u>
<u>6704</u>	<u>None</u>
<u>6706</u>	<u>None</u>
<u>6710</u>	<u>None</u>
<u>6720</u>	<u>As indicated in this Subsection</u>
<u>6723</u>	<u>3203, 3204, and 5194</u>
<u>6724</u>	<u>3203 and 5194</u>
<u>6726</u>	<u>3400</u>
<u>6728</u>	<u>None</u>
<u>6730</u>	<u>None</u>
<u>6732</u>	<u>3367</u>
<u>6734</u>	<u>3363 and 3366</u>
<u>6736</u>	<u>3383</u>
<u>6738</u>	<u>3380 through 3385, and 5144</u>
<u>6740</u>	<u>3317</u>

<u>6742</u>	<u>5141</u>
<u>6744</u>	<u>3203 and 5194</u>
<u>6746</u>	<u>None</u>
<u>Article 3.</u>	<u>None</u>
<u>Article 4</u>	<u>None</u>
<u>Article 5</u>	<u>None</u>
<u>Article 6</u>	<u>None</u>

NOTE: Authority: section 12981 of the Food and Agricultural Code. Reference: sections 12980 and 12981 of the Food and Agricultural Code.